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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,551	09/18/2000	Mark R. Thompson	19396-001400US	6622

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TOWNSEND AND TOWNSEND AND CREW, LLP  
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EXAMINER
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SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2676

18

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/663,551

Applicant(s)

THOMPSON ET AL.

Examiner

Wesner Sajous

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/17/04 & 3/19/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **Remarks**

This communication is responsive to the amendments, responses and the Request for a Continued Examination (RCE) filed on February 17 and March 19, 2004. Claims 1-19 are now presented for examination, of which claims 1, 2, 14, and 19 are amended.

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 19, 2004 has been entered.

### ***Response to Arguments***

The Applicant arguments with respect to the claim rejections have been fully considered but are moot in view of the amendments and the new ground of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres (5,384,910) in view of Le Blanc (5,977,968), and further in view of the Background of the instant application.

Considering claim 1, Torres and LeBlanc render obvious most claimed features of the invention as set forth in the previous office action, paper 11; however, the combination of Torres and Leblanc fail to particularly teach that the independent reconfiguration of the GUI's shape is performed without supplying an input to the application program controlled by the graphical user interface (GUI).

However, those of ordinary skill in the art found this teaching to be well known in the art, as evidenced by the Background of the instant application, the specification at page 1, lines 10-16; e.g., a graphical user interface that interfaces with an application program. The graphical user interface directs the application program on how to perform its functions. As an example, a graphical user interface is described that can be used to control an audio program by directing the audio program on whether to play, fast forward, change tracks, etc..., as suggested at page 1 of the specification.

Therefore, based on the above embodiments, the ordinary skill in the art at the time the invention was made would have been motivated to combine the GUI reconfiguration recited in Torres and LeBlanc's systems to include that the independent reconfiguration of the GUI's shape is performed without supplying an input to the application program controlled by the graphical user interface (GUI), as taught in the Background section of this application; in order to facilitate the interaction between the

user of a program and the program itself. See the spec.'s background, page 1, lines 10-11.

The invention of claims 2-3, 11, including a formatting graphical user interface (item 30, fig. 1 of Torres) comprises defining a subsection of the GUI and designating the subsection of the GUI as reconfigurable (*by means of processor 12 of system 10 defining window 34 including a menu field or subsection 60 of fig. 1 of Torres*), although slightly different, claims 2-3, and 11 recite features that are analogous to and performing the same functions as recited in claim 1. This being the case, the limitations of claims 2-3, and 11 are therefore, subject to rejections for the same reasons and rationale set forth for claim 1.

Re claims 4-10, 12-13, the claimed steps of--utilizing a width and height to define the maximum expansion and the minimum compression size limit of the subsection, and allowing the user to control the expansion the GUI together with the subsection—are characterized by the functions of processing system 10 of Torre, for this feature allows for maximum flexibility in utilizing the formatted GUI and allows for the customization of the components of the GUI by the user operator. See Torre's col. 3.

Considering claims 14-18 contain features that are analogous to the limitations recited in claims 2-3 and 11. As such the limitations recited in claims 14-18 are rejected under the same reasons and rationale set forth above for claims 2-3 and 11.

The invention of claims 19, including the steps of defining the spatial properties of the subsection (*as characterized by Torres' item 56 of fig. 2 by means of processor 12 of fig. 1*); and permitting the user to retain the spatial properties of the subsection during reconfiguration (*a feature interpreted to be performed by means of the operator-*

*initiated command under the execution of the processor to contemplate for the designation of the reconfigurable subsection of the GUI 30 in Torres*), although slightly different, it recites features equivalent to and performing similar functions as in claim 2. As the limitations of claim 2 have been found to be obvious over the combined teachings of Torres, LeBlanc and the Background section of the instant application, it is readily apparent that the applied prior art recite the underlying functions. Thus, claim 19 is rejected for the same reasons as claim 2, wherein the spatial properties are noted to represent the field menus or subsections arrangements on the screen of GUI 30 (see Torre's fig. 2), so as to make the user interaction easier.

### **Conclusion**

#### **Any response to this action should be mailed to:**

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#### **or faxed to:**

(703) 305-872-9314, (for **Technology Center 2600 only**)

or (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist

Commissioner of Patents and Trademarks

Washington, DC 20231

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Wesner Sajous** whose telephone number is **(703) 308-5857**. The examiner can also be reached on Monday through Thursday and on alternate Fridays between 9:00AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

*Wesner Sajous - WSS*  
*3/30/04*